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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,055	07/31/2003	Steven Wynveen	M09666	9966
7590	06/30/2004		EXAMINER	VASUDEVA, AJAY
William D. Lanyi, Esq. Mercury Marine, Division of Brunswick Corporation W6250 Pioneer Road P.O. Box 1939 Fond du Lac, WI 54936-1939			ART UNIT	PAPER NUMBER
			3617	
			DATE MAILED: 06/30/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

<b>Application No.</b> 10/632,055  <b>Examiner</b> Ajay Vasudeva	<b>Applicant(s)</b> WYNVEEN ET AL.
	<b>Art Unit</b> 3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on \_\_\_\_.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1,2,6,7 and 12 is/are rejected.  
 7) Claim(s) 3-5,8-11 and 13-15 is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>filed 7/31/2003</u> .	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date ____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: ____.
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**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 6, 7, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Shanahan et al.

Shanahan et al. shows a cooling system for a marine propulsion device, having a water pump [6] for drawing water from a body of water in which the marine propulsion device is operated, an engine having a cylinder head and a cylinder block (figure 1), and an exhaust conduit connected in fluid communication with the engine to conduct exhaust gasses away from said engine. The cooling system has a first cooling passage [1], a second cooling passage [2], and a third cooling passage [3].

Because the first cooling passage is fluidically connected upstream of the cylinder head, it is able to transfer heat to the cylinder head. Therefore, the first cooling passage is considered as being disposed in thermal communication with the cylinder head, even though it is not physically attached to it.

Similarly, the second cooling passage, which is physically attached to the cylinder head, is considered as being disposed in thermal communication with the exhaust conduit. The third cooling passage [3] is disposed in thermal communication with the cylinder block. The first and second cooling passages being connected in series with each other and with the third cooling passage. An outlet of the water pump is connected in fluid communication with the water pump

to cause at least half of the water flowing through the third cooling passage to first flow through the first and second cooling passages. The first cooling passage being connected serially between the water pump and the second cooling passage.

Regarding claim 12, the outlet of the water pump is fluidically connected to an inlet of the cylinder head cooling passage, even though it is not directly connected as such.

***Allowable Subject Matter***

3. Claims 3-5, 8-11 and 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Kashima, Takahashi, Okamoto, Takahashi et al. ('330 and '356) , Kojima, Hundertmark, Tyner, Bethel et al., JP (673), JP (942) and JP (580) show engine cooling systems.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay Vasudeva whose telephone number is (703) 306-5992. The examiner can normally be reached on Monday-Friday 1:00 pm--5:30 pm.

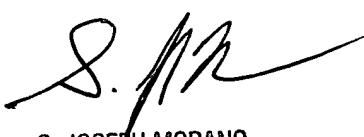
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ajay Vasudeva  
Examiner  
Art Unit 3617

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S. JOSEPH MORANO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600